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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,251	10/08/2001	David N. Sciuk	267/040	6179

7590 11/23/2004

ASHLEY J. WELLS .ESQ.  
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EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/973,251

Applicant(s)

SCIUK, DAVID N.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-47, 49-82, 84-158 and 160-175 is/are pending in the application.
- 4a) Of the above claim(s) 29-47, 49-82, 84-99, 140-158 and 160-175 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 100-139 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

Claims 100-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. in view of Puram et al. '340.

Durand et al. disclose or inherently teach all the limitations of the claims including: a data storage device 4; a virtual provider created through matching 3; a database base containing information to base requests for information (see for example Table 3A in Col. 7); a scoring system having a predetermined formula (See, for example, Col. 12--Col. 14; and Fig. 5b); a management and sequencing system (See, for example, Col. 6, line 31); and a reporting system that sends messages (See, for example, Col. 19).

Durand et al. lack the specific teaching of a knowledge base being separate from the user information and separate from program code.

Puram et al. teaches a similar matching system whereby the hardware configurations can take different forms to facilitate the system (See at least Col. 3, lines 7-17); the reference specifically teaching that the data receiving and interrogating process 68 (i.e., **"knowledge base"**; see **Puram Col. 6, lines 15-31**) is separate from the database(s) 65 which is also separate from the matching and ranking program code 69 (See, for example, Fig. 1c).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Durand et al. to include the lacking limitations, in order to provide a

system that is "more finely tuned" (See Puram et al., Col. 1, line 26) to matching candidates to positions.

Re claims 103-113, 117-118, 120-121, 123-131, 133-139: the limitations are design choices that are known in e-commerce and other electronic activity; and to modify Durand et al. in view of Puram et al. to incorporate the limitations would have been obvious to one of ordinary skill in the art to produce a desired result.

### ***Response to Arguments***

Applicant's arguments filed 6/1/2004 and 8/25/2004 have been fully considered but they are not persuasive. The applicant argues that Puram et al. do not teach a "knowledge base containing facts and rules for problem solving". However, as disclosed above, Puram et al. teach an alternative embodiment in which the system/method utilizes artificial intelligence to query the employer about the employer's needs for a position. The system uses a branching method to access appropriate follow-up questions **in light of information provided in earlier steps by the employer**. Thus, this embodiment taught by Puram et al. does in fact include a knowledge base (see "68" in Fig. 1c) which is separate from the databases 65.

The "design choices" are also deemed proper in view of the teachings from the combination of references.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

F. Zeender  
Patent Examiner, A.U. 3627  
November 19, 2004

 11/19/04  
**F. RYAN ZEENDER**  
**PRIMARY EXAMINER**